

**House File 2320 - Introduced**

HOUSE FILE 2320

BY RIZER

**A BILL FOR**

1 An Act permitting counties and cities to award competitively  
2 bid contracts for purchases and projects to local and  
3 in-state bidders under certain circumstances and including  
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 73.13 County and city competitive  
2 bidding — permissible local and state preference.

3 1. Notwithstanding any other provision of law other than  
4 section 73.11 to the contrary:

5 a. If a county engages in a competitive bidding process  
6 for a contract for any purchase or project, the county may  
7 award the contract to a responsive, responsible bidder whose  
8 principal place of business is located within the boundaries  
9 of the county, regardless of whether such bidder submitted  
10 the lowest bid. If the county received multiple responsive,  
11 responsible bids from bidders whose principal place of business  
12 is located within the boundaries of the county, only the bidder  
13 that submitted the lowest bid may be awarded the contract in  
14 this way.

15 b. If a county engages in a competitive bidding process  
16 for a contract for any purchase or project, and the county  
17 receives no responsive, responsible bids from bidders whose  
18 principal place of business is located within the boundaries of  
19 the county, the county may award the contract to a responsive,  
20 responsible bidder whose principal place of business is located  
21 in Iowa, regardless of whether such bidder submitted the lowest  
22 bid. If the county received multiple responsive, responsible  
23 bids from bidders whose principal place of business is located  
24 in Iowa, only the bidder that submitted the lowest bid may be  
25 awarded the contract in this way.

26 2. Notwithstanding any other provision of law other than  
27 section 73.11 to the contrary:

28 a. If a city engages in a competitive bidding process for a  
29 contract for any purchase or project, the city may award the  
30 contract to a responsive, responsible bidder whose principal  
31 place of business is located within the boundaries of the city,  
32 regardless of whether such bidder submitted the lowest bid. If  
33 the city received multiple responsive, responsible bids from  
34 bidders whose principal place of business is located within  
35 the boundaries of the city, only the bidder that submitted the



1 that receives no responsive, responsible bids from bidders  
2 whose principal place of business is located within the  
3 boundaries of the county to award the contract to a responsive,  
4 responsible bidder whose principal place of business is located  
5 in Iowa, regardless of whether such bidder submitted the lowest  
6 bid. If the county received multiple responsive, responsible  
7 bids from bidders whose principal place of business is located  
8 in Iowa, only the bidder that submitted the lowest bid may be  
9 awarded the contract in this way.

10 The bill permits cities to engage in similar actions.

11 The bill applies notwithstanding any other provision of law  
12 to the contrary.

13 The bill shall not be construed to require a county or city  
14 that engages in a competitive bidding process for a contract  
15 for any purchase or project to award the contract to any bidder  
16 other than the lowest responsive, responsible bidder.

17 Under current Code section 73.11, a provision of the bill  
18 would be suspended if the attorney general determines that such  
19 provision would cause denial of funds or services from the  
20 United States government which would otherwise be available, or  
21 would otherwise be inconsistent with requirements of federal  
22 law, but only to the extent necessary to prevent denial of  
23 such funds or services or to eliminate the inconsistency with  
24 federal requirements.

25 The bill applies to competitive bidding processes initiated  
26 by counties and cities on and after January 1, 2017.